

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

KARINA TELLO,

Plaintiff,

v.

No. 2:24-cv-00390-KG/GJF

**LEA COUNTY BOARD OF COUNTY
COMMISSIONERS, COREY HELTON,
MICHAEL WALKER, FERNANDO JIMENEZ,
SEAN ROACH, SONIA ESTRADA,
DIANE JURADO-GARCIA,
AILEEN VIZCARRA, ALYSSA PORRAS,
DOE DEFENDANTS 1-50,**

Defendants.

JOINT STATUS REPORT AND PROVISIONAL DISCOVERY PLAN

Pursuant to FED. R. CIV. P. 26(f), a meeting was held on March 18, 2025, via phone and
was attended by:

Curtis Waldo
Benjamin Gubernick
WALDO GUBERNICK LAW ADVOCATES, LLP
717 Texas St., Suite 1200
Houston, TX 77002
curtis@wglawllp.com
ben@wglawllp.com
(346) 277-0287
Attorneys for Plaintiff

Sara E. Woods
MYNATT SPRINGER P.C.
P.O. Box 2699
Las Cruces, NM 88004-2699
(575) 524-8812
sew@mynattspringer.com
Attorneys for County Defendants

Cody R. Rogers
SERPE ANDREWS, PLLC
2540 El Paseo Road, Ste. D
Las Cruces, NM 88005
(713) 452-4400
crogers@serpeandrews.com
Attorneys for Defendants Estrada, Jurado-Garcia, and Vizcarra

Michael Newell
NEWELL LAW FIRM
10 W Adams Ave., Ste. E
Lovington, NM 88260
(575) 739-6395
mnewell@newelllawnm.com
Attorney for Defendant Porras

NATURE OF THE CASE

Plaintiff's Second Amended Complaint raises federal claims for violations under Title VII, 42 U.S.C. § 2000e; violations of the First and Fourteenth Amendments under 42 U.S.C. § 1983; and New Mexico state claims under the New Mexico Human Rights Act ("NMHRA"), the New Mexico Civil Rights Act ("NMCRA"), and the New Mexico Whistleblower Protection Act ("NMWPA").

AMENDMENTS TO PLEADINGS AND JOINDER OF PARTIES

The Parties do not intend to file amended pleadings or join additional parties at this time. To the extent needed, the Parties should be allowed until April 30, 2025, to move to amend the pleadings and join additional parties in compliance with the requirements of Fed. R. Civ. P. 15(a).

STIPULATIONS

The parties stipulate and agree that venue is properly laid in this District, and the U.S. District Court for the District of New Mexico has jurisdiction of the parties and the subject matter.

The parties further stipulate and agree that the law governing this case is § 1983, First Amendment, Fourteenth Amendment, federal procedural law, NMHRA, NMCRA, and NMWPA, and NMCRA.

PLAINTIFF'S CONTENTIONS

The details of Plaintiff's contentions are set forth in the Second Amended Complaint. In sum, due to a petty grudge against Plaintiff, in May 2023, Defendant and Lea County Sheriff Office ("LCSO") employee Estrada spread false rumors around the office about Plaintiff's sex life. When Plaintiff complained to her superiors, in early June 2023, Estrada enlisted Defendants Jurado-Garcia, Vizcarra, and Porras in a scheme to punish Plaintiff by surreptitiously acquiring a privately recorded intimate video of Plaintiff and circulating the video to Plaintiff's friends, family, and colleagues. Defendants Walker and Jimenez knew about and sanctioned this scheme ahead of time and may have helped plan it, too. Plaintiff complained again to her supervisors at the LCSO, but her superiors, who had themselves received the private video, did nothing to punish or restrain Estrada and the others. Indeed, it would make no sense to punish Estrada and the others when Walker and Jimenez and possibly other leaders within LCSO had signed off.

Due to the LCSO's inaction, Plaintiff, who was severely embarrassed and horrified at the encroachment upon her privacy, reported the matter to the New Mexico State Police ("NMSP"). The NMSP conducted a thorough investigation and documented all the steps Estrada, Jurado-Garcia, Vizcarra, and Porras took in their illegal scheme to violate Plaintiff's privacy. Meanwhile, in July 2023, LCSO leadership (Defendants Walker, Jimenez, Roach, Helton) did nothing to punish the wrongdoers who had violated New Mexico's revenge pornography statute and instead terminated *Plaintiff* due to her reputation having been "sullied" due to the spread of the intimate video. In the present lawsuit, Plaintiff contends this termination decision was based on Plaintiff's gender and that a similarly situated male would not have been treated the same.

Further reinforcing this contention is what happened in December of 2023 when a male LCSO officer was found to have sent an (unwanted) intimate video of himself to another person. In keeping with the sexist nature of how the LCSO operates, LCSO leadership did not find that this officer's reputation had been "sullied," and it let him off with a slap on the wrist. Plaintiff further contends that LCSO's decision to terminate her was, in part, motivated by the report she made to NMSP.

COUNTY DEFENDANTS' CONTENTIONS

County Defendants assert that Plaintiff was properly disciplined following an internal complaint from other members of the Lea County Sheriff's Office. The complaint against Plaintiff for insubordination and code of ethics and general conduct violations was internally investigated and substantiated. At that time, Plaintiff was a probationary employee with Lea County Sheriff's Office and during her five-month tenure, it was noted that she showed a pattern of not doing as ordered by supervisors and caused significant disruption in the operation of the Lea County Sheriff's Office. As a result of her conduct and probationary status, Plaintiff was terminated. County Defendants, therefore, had a legitimate, non-discriminatory and non-retaliatory reason for all actions taken in connection with Plaintiff's employment. Because Plaintiff's claim arises out of her public employment, it is barred under the New Mexico Civil Rights Act. Further, Plaintiff's claim for punitive damages against County Defendants is barred by the Constitution of the United States of America, the Constitution of the State of New Mexico, and the New Mexico Tort Claims Act. Thus, Plaintiff cannot prevail under Title VII, the New Mexico Human Rights Act, the New Mexico Civil Rights Act, 42 U.S.C. §1983, or 42 U.S.C. §1985, and County Defendants are entitled to judgment accordingly.

DEFENDANTS ESTRADA, JURADO-GARCIA, AND VIZCARRA'S CONTENTIONS

Plaintiff is a former Deputy at the Lea County Sheriff's Office ("LCSO"). Defendant Estrada was a Sergeant and Plaintiff's supervisor at LCSO. Defendant Jurado-Garcia is a deputy at LCSO and Defendant Vizcarra is LCSO's public relations officer. Plaintiff's suit is based on her theory that Defendants Estrada, Jurado-Garcia, and Vizcarra wanted Plaintiff fired by engaging in an alleged conspiracy to humiliate Plaintiff, for unknown reasons. While Plaintiff makes herself out to be a victim of a revenge-porn conspiracy, her claims are riddled with misrepresentations and serious falsehoods. Defendants Estrada, Vizcarra and Jurado deny the allegations contained in plaintiff's pleadings and state that the evidence will demonstrate their non-involvement in this and other schemes orchestrated by plaintiff for financial and other gain.

On May 31, 2023, Plaintiff filed a complaint with LCSO alleging that Defendant Estrada was spreading false rumors that Plaintiff was having an affair with another deputy. According to Plaintiff, around June 13, 2023, officials at LCSO started to receive a copy of a video (the "Video") which was made by Plaintiff in October 2022 on her personal cell phone. The Video had allegedly been made by Plaintiff for her romantic partner. Plaintiff alleges Defendant Porras acquired the video and, with Defendants Jurado-Garcia, Estrada and Vizcarra, sent the video to LCSO officials. On July 3, 2023, Plaintiff filed a report with the New Mexico State Police ("NMSP"). On July 18, 2023, Plaintiff's employment was terminated.

The subsequent criminal proceedings revealed that Plaintiff had sent the video to two of her former romantic partners, Victor Murillo and Daniel Soto. On June 30, 2024, the prosecuting District Attorney dropped all criminal charges against Defendants Vizcarra and Jurado-Garcia, and Defendant Estrada received a conditional dismissal after pleading guilty to a charge of use of a telephone to harass. The charges were reduced and dismissed because of the illegal actions of the

New Mexico State Police “investigating” the matter, and because of serious doubts about the credibility of plaintiff’s story to police and her employer.

DEFENDANT PORRAS’ CONTENTIONS

Defendant Porras contends she has done nothing wrong. She was given the video by Daniel Soto to hold in the event there were allegations against him by Plaintiff that he sexually harassed her. Defendant Porras never shared the video or provided the video to anyone else. The charges brought against her arising out of this event have been dismissed. She fully denies all claims asserted against her in this matter.

PROVISIONAL DISCOVERY PLAN

The parties jointly propose to the Court the following discovery plan:

List all witnesses who, at this time, you think will either testify or be deposed, giving their name, title, address and a brief summary of their testimony. It is insufficient to list witnesses’ addresses, save for clients, “in care of counsel.”

List all documents which you believe, at this time, will be exhibits at the trial.

List all experts who you believe, at this time, will testify at the trial, giving their name, address, area of expertise, and a brief summary of the anticipated testimony.

PLAINTIFF:

Plaintiff’s Fact Witnesses:

- Plaintiff Karina Tello. Ms. Tello may be contacted via her counsel. Ms. Tello will testify regarding how she was harassed and how her privacy was invaded by Defendants. Ms. Tello will testify regarding how she tried to report her harassment to her superiors at LCSO but was met with scorn and apathy. Ms. Tello will testify about how she proceeded to report her concerns to the district attorney and NMSP. Ms. Tello will testify about how

LCSO terminated her for sexist and retaliatory reasons and did not punish those who violated her privacy.

- Defendant Helton. Helton is represented by counsel. Helton is expected to testify regarding why he thought it proper to terminate Plaintiff and not Vizcarra, Estrada, or Jurado-Garcia. Helton is expected to testify regarding his knowledge of the revenge pornography scheme against Plaintiff.
- Defendant Walker. Walker is represented by counsel. Walker is expected to testify regarding his role in the conspiracy to circulate an intimate video of Plaintiff. Walker is expected to testify regarding his knowledge of the revenge pornography scheme against Plaintiff.
- Defendant Jimenez. Jimenez is represented by counsel. Jimenez is expected to testify regarding his role in the conspiracy to circulate an intimate video of Plaintiff. Jimenez is expected to testify regarding his knowledge of the revenge pornography scheme against Plaintiff.
- Defendant Roach. Roach is represented by counsel. Roach is expected to testify regarding his failure to respond to Plaintiff's complaints about her harassment by Estrada, Jurado-Garcia, and Vizcarra. Roach is expected to testify regarding his knowledge of the revenge pornography scheme against Plaintiff.
- Defendant Sonia Estrada. Ms. Estrada may be contacted via her counsel. Ms. Estrada is expected to testify regarding her bitterness and jealousy toward Ms. Tello and explain why she wished to violate Ms. Tello's privacy and spread false rumors about her. Ms. Estrada is expected to testify regarding the revenge pornography scheme executed by her and Defendants Vizcarra, Jurado-Garcia, and Porras.

- Defendant Jurado-Garcia. Ms. Jurado-Garcia may be contacted via her counsel. Ms. Jurado-Garcia is expected to testify regarding her bitterness and jealousy toward Ms. Tello and explain why she wished to violate Ms. Tello's privacy. Ms. Jurado-Garcia is expected to testify regarding the revenge pornography scheme executed by her and Defendants Vizcarra, Estrada, and Porras.
- Defendant Vizcarra. Ms. Vizcarra may be contacted via her counsel. Ms. Vizcarra is expected to testify regarding her bitterness and jealousy toward Ms. Tello and explain why she wished to violate Ms. Tello's privacy. Ms. Vizcarra is expected to testify regarding the revenge pornography scheme executed by her and Defendants Estrada, Jurado-Garcia, and Porras.
- Defendant Porras. Ms. Porras may be contacted via her counsel. Ms. Porras is expected to testify regarding her bitterness and jealousy toward Ms. Tello and explain why she wished to violate Ms. Tello's privacy. Ms. Porras is expected to testify regarding the revenge pornography scheme executed by her and Defendants Estrada, Jurado-Garcia, and Vizcarra. Ms. Porras is expected to testify about how she acquired the intimate video of Ms. Tello.
- Victor Murillo. Mr. Murillo is represented by the same counsel as represents Ms. Tello. Mr. Murillo is an LCSO employee. Mr. Murillo will testify about double standards within LCSO for male and female deputies.
- Leonel Mendez. Mr. Mendez is an officer with the NMSP. Mr. Mendez performed the initial investigation into Ms. Tello's complaint to NMSP. His findings are summarized in the NMSP report that Plaintiff will produce. On information and belief, Mr. Mendez may

be contacted via the NMSP, whose headquarters is located at: 4491 Cerrillos Rd., Santa Fe, NM 87507.

- Kenneth Villarreal. Mr. Villarreal is an investigator with the NMSP. Mr. Villarreal took over the investigation from Mr. Mendez. His findings are summarized in the NMSP report that Plaintiff will produce. On information and belief, Mr. Villarreal may be contacted via the NMSP, whose headquarters is located at: 4491 Cerrillos Rd., Santa Fe, NM 87507.
- Daniel Soto. Mr. Soto is a potential source for where Porras acquired the intimate video of Ms. Tello. He may testify regarding how he acquired the video and why he conveyed it to Porras. On information and belief, Mr. Soto may be contacted at: 213 South Love Street, Lovington, NM 88260.

Plaintiff's Exhibits:

- Text messages sent by and received by Defendants Estrada, Jurado-Garcia, Vizcarra, and Porras relating to Ms. Tello and the intimate video.
- The intimate video itself.
- Communication among Defendants Helton, Jimenez, Walker, and Roach regarding the subject video and Ms. Tello.
- The letter in which the LCSO terminated Ms. Tello.
- LCSO policies and procedures relating to termination of employees for reasons of poor character.
- The NMSP report and communication/documents referenced therein.
- Defendant Estrada's text messages and emails relating to an alleged affair Ms. Tello was having in May 2023.

Plaintiff's Expert Witnesses:

- Plaintiff may retain an expert regarding cell phone records to the extent necessary. Plaintiff will disclose such expert in accordance with the Court's scheduling order.
- Plaintiff may retain an economist to calculate Plaintiff's lost earnings.

COUNTY DEFENDANTS:

County Defendants' Fact Witnesses:

1. Plaintiff Karina Tello
c/o Benjamin Gubernick and Curtis Waldo
WALDO GUBERNICK LAW ADVOCATES LLP
717 Texas St. Suite 1200
Houston, TX 77002
(346) 277-0287

Ms. Tello is the Plaintiff in this matter and expected to testify about the allegations in her complaint, her employment with Lea County Sheriff's Office ("LCSO"), the damages alleged in her complaint, and her communications and interactions with Defendants and other identified witnesses related to the allegations in her complaint.

2. LCSO Sheriff Corey Helton
c/o Benjamin J. Young and Sara E. Woods
MYNATT SPRINGER P.C.
P.O. Box 2699
Las Cruces, NM 88004
(575) 524-8812

Sheriff Helton is a named Defendant in this matter and expected to testify about his knowledge of the allegations in Plaintiff's complaint, Plaintiff's employment with LCSO, his knowledge of the disciplinary investigation of Plaintiff during her employment, and his communications with Plaintiff, Defendants, and other identified witnesses related to the allegations in Plaintiff's complaint.

3. LCSO Undersheriff Michael Walker
c/o Benjamin J. Young and Sara E. Woods
MYNATT SPRINGER P.C.
P.O. Box 2699
Las Cruces, NM 88004
(575) 524-8812

Undersheriff Walker is a named Defendant in this matter and expected to testify about his knowledge of the allegations in Plaintiff's complaint, Plaintiff's employment with LCSO, his knowledge of the disciplinary investigation of Plaintiff during her employment, and his communications with Plaintiff, Defendants, and other identified witnesses related to the allegations in Plaintiff's complaint.

4. LCSO Chief Deputy Fernando Jimenez
c/o Benjamin J. Young and Sara E. Woods
MYNATT SPRINGER P.C.
P.O. Box 2699
Las Cruces, NM 88004
(575) 524-8812

Chief Deputy Jimenez is a named Defendant in this matter and expected to testify about his knowledge of the allegations in Plaintiff's complaint, Plaintiff's employment with LCSO, his knowledge of the disciplinary investigation of Plaintiff during her employment, and his communications with Plaintiff, Defendants, and other identified witnesses related to the allegations in Plaintiff's complaint.

5. LCSO Captain Sean Roach
c/o Benjamin J. Young and Sara E. Woods
MYNATT SPRINGER P.C.
P.O. Box 2699
Las Cruces, NM 88004
(575) 524-8812

Captain Roach is a named Defendant in this matter and expected to testify about his knowledge of the allegations in Plaintiff's complaint, Plaintiff's employment with LCSO, his knowledge of the disciplinary investigation of Plaintiff during her employment, and his communications with Plaintiff, Defendants, and other identified witnesses related to the allegations in Plaintiff's complaint.

6. Defendant Sonia Estrada
c/o Cody R. Rogers and Jennifer M. Meyer
SERPE ANDREWS, PLLC
2540 El Paseo Road, Ste. D
Las Cruces, NM 88001
(575) 288-1453

Ms. Estrada is a named Defendant in this matter and expected to testify about her knowledge of the allegations in Plaintiff's complaint, her relationship with and observations of Plaintiff, and her communications with Plaintiff, Defendants, and other identified witnesses related to the allegations in Plaintiff's complaint.

7. Defendant Diana Jurado-Garcia
c/o Cody R. Rogers and Jennifer M. Meyer
SERPE ANDREWS, PLLC
2540 El Paseo Road, Ste. D
Las Cruces, NM 88001
(575) 288-1453

Ms. Jurado-Garcia is a named Defendant in this matter and expected to testify about her knowledge of the allegations in Plaintiff's complaint, her relationship with and observations of Plaintiff, and her communications with Plaintiff, Defendants, and other identified witnesses related to the allegations in Plaintiff's complaint.

8. Defendant Aileen Vizcarra
c/o Cody R. Rogers and Jennifer M. Meyer
SERPE ANDREWS, PLLC
2540 El Paseo Road, Ste. D
Las Cruces, NM 88001
(575) 288-1453

Ms. Vizcarra is a named Defendant in this matter and expected to testify about her knowledge of the allegations in Plaintiff's complaint, her relationship with and observations of Plaintiff, and her communications with Plaintiff, Defendants, and other identified witnesses related to the allegations in Plaintiff's complaint.

9. Defendant Alyssa Porras
c/o Michael Newell
NEWELL LAW FIRM
10 W Adams Ave., Ste. E
Lovington, NM 88260
(575) 739-6395

Ms. Porras is a named Defendant in this matter and expected to testify about her knowledge of the allegations in Plaintiff's complaint, her relationship with and observations of Plaintiff, and her communications with Plaintiff, Defendants, and other identified witnesses related to the allegations in Plaintiff's complaint.

10. Andrew Dominguez
1107 W. Avenue O
Lovington, NM 88260

Mr. Dominguez is expected to testify about his relationship with Plaintiff, his observations of Plaintiff, his knowledge of Plaintiff's acquaintances and co-workers, his knowledge of the allegations in Plaintiff's complaint, and his communications with Plaintiff, Defendants, and other identified witnesses related to the allegations in Plaintiff's complaint.

11. Victor Murillo
c/o Benjamin Gubernick and Curtis Waldo
WALDO GUBERNICK LAW ADVOCATES LLP
717 Texas St. Suite 1200
Houston, TX 77002
(346) 277-0287

Mr. Murillo is expected to testify about his relationship with Plaintiff, his observations of Plaintiff, his knowledge of Plaintiff's acquaintances and co-workers, his knowledge of the allegations in Plaintiff's complaint, and his communications with Plaintiff, Defendants, and other identified witnesses related to the allegations in Plaintiff's complaint.

12. Daniel Soto
213 South Love Street
Lovington, NM 88260

Mr. Soto is expected to testify about his relationship with Plaintiff, his observations of Plaintiff, his knowledge of Plaintiff's acquaintances and co-workers, his knowledge of the allegations in Plaintiff's complaint, and his communications with Plaintiff, Defendants, and other identified witnesses related to the allegations in Plaintiff's complaint.

13. Meghan Murillo
911 W. Ave. G
Lovington, NM

Ms. Murillo is expected to testify about her relationship with Victor Murillo, her relationship with and observations of Plaintiff, her knowledge of the allegations in Plaintiff's complaint, and her communications with Plaintiff, Defendants, and other identified witnesses related to the allegations in Plaintiff's complaint.

14. New Mexico State Police Officer Leonel Mendez
4491 Cerrillos Road
Santa Fe, NM 87507

Officer Mendez is expected to testify about his investigation into Plaintiff's complaint to New Mexico State Police, including the information and evidence obtained and his findings.

15. New Mexico State Police Investigator Kenneth Villarreal
4491 Cerrillos Road
Santa Fe, NM 87507

Investigator Villarreal is expected to testify about his investigation into Plaintiff's complaint to New Mexico State Police, including the information and evidence obtained and his findings.

16. Representative of the Ninth Judicial District Attorney's Office
417 Gidding, Suite 200
Clovis, NM 88101

This representative is expected to testify about the criminal charges brought against Defendants Estrada, Jurado-Garcia, Vizcarra, and Porras, the office's investigation related to those charges, and the disposition of each charge.

17. Any witnesses identified through discovery.
18. Any witnesses for impeachment or rebuttal.
19. Any witnesses necessary for authentication.
20. Any witnesses identified by any party.

County Defendants' Exhibits:

1. Records received from Ninth Judicial District Attorney's Office in response to IPRA request (Bates numbered 000001)
2. Lea County Policy and Procedures Manual (Bates numbered 000002-000132)
3. Karina Tello's Lea County Personnel File (Bates numbered 000133-000652)
4. Andrew Dominguez's Lea County Personnel File (Bates numbered 000653-000946)
5. Victor Murillo's Lea County Personnel File (Bates numbered 000947-001026)

County Defendants' Expert Witnesses:

County Defendants will disclose experts by September 26, 2025.

DEFENDANTS ESTRADA, JURADO-GARCIA, AND VIZCARRA:

Defendants Estrada, Jurado-Garcia, and Vizcarra's Fact Witnesses:

1. Defendant Sonia Estrada
c/o Cody R. Rogers
Jennifer M. Meyer
Serpe Andrews, PLLC
2540 El Paseo Road, Ste D
Las Cruces, NM 88001

Telephone: (575) 288-1453
crogers@serpeandrews.com
jmeyer@serpeandrews.com

This defendant is expected to testify about the allegations contained in plaintiff's Complaint and any other relevant matters of which she has personal knowledge.

2. Defendant Diana Jurado-Garcia
c/o Cody R. Rogers
Jennifer M. Meyer
Serpe Andrews, PLLC
2540 El Paseo Road, Ste D
Las Cruces, NM 88001
Telephone: (575) 288-1453
crogers@serpeandrews.com
jmeyer@serpeandrews.com

This defendant is expected to testify about the allegations contained in plaintiff's Complaint and any other relevant matters of which she has personal knowledge.

3. Defendant Aileen Vizcarra
c/o Cody R. Rogers
Jennifer M. Meyer
Serpe Andrews, PLLC
2540 El Paseo Road, Ste D
Las Cruces, NM 88001
Telephone: (575) 288-1453
crogers@serpeandrews.com
jmeyer@serpeandrews.com

This defendant is expected to testify about the allegations contained in plaintiff's Complaint and any other relevant matters of which she has personal knowledge.

4. Victor Murillo
c/o Curtis Waldo
Benjamin Gubernick
717 Texas St., Suite 1200
Houston, TX 77007
curtis@wglawllp.com
ben@wglawllp.com
(346) 277-0287

This witness is expected to testify about his relationship with Plaintiff, the allegations in plaintiff's Complaint, and any other relevant matters of which he has personal knowledge.

5. Individuals identified in plaintiff's Complaint.
6. Individuals identified in other reports and/or investigations involving plaintiff.
7. Individuals involved in the investigation into plaintiff's criminal allegations.
8. Persons identified in discovery.
9. Any other expert witness retained and identified by any party.
10. Any individuals identified by any party.
11. Any individuals identified in any police report or investigative reports involving the incidents described in the plaintiff's Complaint.
12. Such records custodians and other witnesses as may be necessary to establish, authenticity, foundation, or other requirements for the admission of evidence.
13. Such additional witnesses as may be identified through discovery and continuing investigation.
14. Rebuttal and/or impeachment witnesses whose identities cannot be anticipated at this time.

Defendants Estrada, Jurado-Garcia, and Vizcarra's Exhibits:

1. Police reports and investigations concerning the incidents described in plaintiff's Complaint.
2. Pleadings in the following cases: *State of New Mexico v. Sonia Ornelas Estrada*, M-25-MR-2024-00054; *State of New Mexico v. Alyssa Ann Porras*, M-25-MR-2024-00055; *State of New Mexico v. Diana Jurado*, M-25-MR-2024-00056; *Victor Murillo v. Lea*

County Board of County Commissioners, D-506-CV-2024-00477; and *Zane Brown v. Lea County Sheriff's Department et al.*, 2:23-CV-00355-DHU-GJF.

3. All exhibits identified by any party in their disclosures.
4. Any documents identified or otherwise exchanged during discovery by any party.
5. Any other documents obtained and/or identified through discovery.

Defendants Estrada, Jurado-Garcia, and Vizcarra's Expert Witnesses:

Defendants will disclose experts by September 26, 2025.

DEFENDANT PORRAS:

Defendant Porras' Fact Witnesses:

1. Defendant Alyssa Porras
c/o Michael Newell
10 W. Adams Ave
Lovington, NM 88260
Telephone: (575) 739-6395
mnewell@newelllawnm.com

Ms. Porras is expected to testify that she was given the video by Daniel Soto and that it was not provided to anyone else beyond that. She will testify about any other relevant matter for which she has personal knowledge.

2. Defendant Sonia Estrada
c/o Cody R. Rogers
Jennifer M. Meyer
Serpe Andrews, PLLC
2540 El Paseo Road, Ste D
Las Cruces, NM 88001
Telephone: (575) 288-1453
crogers@serpeandrews.com
jmeyer@serpeandrews.com

Ms. Estrada is represented by counsel. She is expected to testify about the allegations contained in plaintiff's Complaint and any other relevant matters of which she has personal knowledge.

3. Defendant Diana Jurado-Garcia
c/o Cody R. Rogers
Jennifer M. Meyer
Serpe Andrews, PLLC
2540 El Paseo Road, Ste D
Las Cruces, NM 88001
Telephone: (575) 288-1453
crogers@serpeandrews.com
jmeyer@serpeandrews.com

Ms. Jurado-Garcia is represented by counsel. She is expected to testify about the allegations contained in plaintiff's Complaint and any other relevant matters of which she has personal knowledge.

4. Defendant Aileen Vizcarra
c/o Cody R. Rogers
Jennifer M. Meyer
Serpe Andrews, PLLC
2540 El Paseo Road, Ste D
Las Cruces, NM 88001
Telephone: (575) 288-1453
crogers@serpeandrews.com
jmeyer@serpeandrews.com

Ms. Vizcarra is represented by counsel. She is expected to testify about the allegations contained in plaintiff's Complaint and any other relevant matters of which she has personal knowledge.

5. Plaintiff Karina Tello
c/o Benjamin Gubernick and Curtis Waldo
WALDO GUBERNICK LAW ADVOCATES LLP
717 Texas St. Suite 1200
Houston, TX 77002
(346) 277-0287

Ms. Tello is the Plaintiff in this matter and expected to testify about the allegations in her complaint, her employment with Lea County Sheriff's Office ("LCSO"), the damages alleged in her complaint, and her communications and interactions with Defendants and other identified witnesses related to the allegations in her complaint.

6. Daniel Soto
213 South Love Street
Lovington, NM 88260

Mr. Soto is expected to testify about giving the video to Defendant Porras, his relationship with Plaintiff, his observations of Plaintiff, his knowledge of Plaintiff's acquaintances and co-workers, his knowledge of the allegations in Plaintiff's complaint, and his communications with Plaintiff, Defendants, and other identified witnesses related to the allegations in Plaintiff's complaint.

7. LCSO Sheriff Corey Helton
c/o Benjamin J. Young and Sara E. Woods
MYNATT SPRINGER P.C.
P.O. Box 2699
Las Cruces, NM 88004
(575) 524-8812

Sheriff Helton is a named Defendant in this matter and expected to testify about his knowledge of the allegations in Plaintiff's complaint, Plaintiff's employment with LCSO, his knowledge of the disciplinary investigation of Plaintiff during her employment, and his communications with Plaintiff, Defendants, and other identified witnesses related to the allegations in Plaintiff's complaint.

8. LCSO Undersheriff Michael Walker
c/o Benjamin J. Young and Sara E. Woods
MYNATT SPRINGER P.C.
P.O. Box 2699
Las Cruces, NM 88004
(575) 524-8812

Undersheriff Walker is a named Defendant in this matter and expected to testify about his knowledge of the allegations in Plaintiff's complaint, Plaintiff's employment with LCSO, his knowledge of the disciplinary investigation of Plaintiff during her employment, and his communications with Plaintiff, Defendants, and other identified witnesses related to the allegations in Plaintiff's complaint.

9. LCSO Chief Deputy Fernando Jimenez
c/o Benjamin J. Young and Sara E. Woods
MYNATT SPRINGER P.C.
P.O. Box 2699
Las Cruces, NM 88004
(575) 524-8812

Chief Deputy Jimenez is a named Defendant in this matter and expected to testify about his knowledge of the allegations in Plaintiff's complaint, Plaintiff's employment with LCSO, his

knowledge of the disciplinary investigation of Plaintiff during her employment, and his communications with Plaintiff, Defendants, and other identified witnesses related to the allegations in Plaintiff's complaint.

10. LCSO Captain Sean Roach
c/o Benjamin J. Young and Sara E. Woods
MYNATT SPRINGER P.C.
P.O. Box 2699
Las Cruces, NM 88004
(575) 524-8812

Captain Roach is a named Defendant in this matter and expected to testify about his knowledge of the allegations in Plaintiff's complaint, Plaintiff's employment with LCSO, his knowledge of the disciplinary investigation of Plaintiff during her employment, and his communications with Plaintiff, Defendants, and other identified witnesses related to the allegations in Plaintiff's complaint.

11. Victor Murillo
c/o Benjamin Gubernick and Curtis Waldo
WALDO GUBERNICK LAW ADVOCATES LLP
717 Texas St. Suite 1200
Houston, TX 77002
(346) 277-0287

Mr. Murillo is expected to testify about his relationship with Plaintiff, his observations of Plaintiff, his knowledge of Plaintiff's acquaintances and co-workers, his knowledge of the allegations in Plaintiff's complaint, and his communications with Plaintiff, Defendants, and other identified witnesses related to the allegations in Plaintiff's complaint.

12. New Mexico State Police Officer Leonel Mendez
4491 Cerrillos Road
Santa Fe, NM 87507

Officer Mendez is expected to testify about his investigation into Plaintiff's complaint to New Mexico State Police, including the information and evidence obtained and his findings.

13. New Mexico State Police Investigator Kenneth Villarreal
4491 Cerrillos Road
Santa Fe, NM 87507

Investigator Villarreal is expected to testify about his investigation into Plaintiff's complaint to New Mexico State Police, including the information and evidence obtained and his findings.

14. Representative of the Ninth Judicial District Attorney's Office
417 Gidding, Suite 200
Clovis, NM 88101

This representative is expected to testify about the criminal charges brought against Defendants Estrada, Jurado-Garcia, Vizcarra, and Porras, the office's investigation related to those charges, and the disposition of each charge.

15. Any witnesses identified through discovery.
16. Any witnesses for impeachment or rebuttal.
17. Any witnesses necessary for authentication.
18. Any witnesses identified by any party.

Defendant Porras' Exhibits:

1. Pleadings in the following case: *State of New Mexico v. Alyssa Ann Porras*, M-25-MR-2024-00055 and police reports associated therewith.
2. Any electronic documents identified by any party or disclosed through the discovery process, including depositions.
3. Any documents identified or otherwise exchanged during discovery by any party.

Defendant Porras' Expert Witnesses:

1. Defendant "Porras" does not anticipate having any expert witnesses in this matter at this time.

Discovery will be needed on the following subjects: The Parties state that discovery will be needed on liability and damages. Plaintiff further states that discovery will be needed of the cell phone records and emails of all Defendants regarding the alleged facts. Defendants further state that discovery will be needed of the cell phone records, emails, and social media of plaintiff and Victor Murrillo regarding the alleged facts.

Maximum of **25** interrogatories by each party to any other party, with answers due **30** days after service.

Maximum of **25** requests for admission by each party to any other party, with responses due **30** days after service.

Maximum of **25** requests for production by each party to any other party, with responses due **30** days after service.

Maximum of **12 fact** depositions by Plaintiff and **12 fact** depositions by Defendants.

Each deposition (other than of parties and experts) limited to maximum of **4** hours unless extended by agreement of parties.

Reports from retained experts under Rule 26(a)(2) due:

For Plaintiff: August 29, 2025

For Defendants: September 26, 2025

Supplementation under Rule 26(e) due 30 days after receipt of information.

All discovery commenced in time to be complete by October 27, 2025.

PRETRIAL MOTIONS

Plaintiff intends to file: motions in limine

County Defendants intend to file: dispositive motions on all or some of Plaintiff's claims, motions in limine (as needed), discovery motions (as needed), and other motions permitted by the Federal Rules of Civil Procedure.

Defendants Estrada, Jurado-Garcia, and Vizcarra intend to file: Defendants Estrada, Jurado-Garcia and Vizcarra intend to file motions to dismiss, motion for summary judgment on all or some of plaintiff's claims, motions in limine, motions for qualified immunity, discovery motions, and other motions permitted by the Federal Rules of Civil Procedure.

Defendant Porras intends to file: Defendant Porras intends to file a motion for summary judgment.

ESTIMATED TRIAL TIME

The parties estimate trial will require **2-3 weeks**.

 This is a non-jury case.

 X This is a jury case.

The parties request a pretrial conference in December 2025.

SETTLEMENT

The possibility of settlement in this case is fair. The parties request a settlement conference in September 2025.

EXCEPTIONS

None.

Submitted by:

MYNATT SPRINGER P.C.



BENJAMIN J. YOUNG
NM Bar No. 144702
SARA E. WOODS
NM Bar No. 149555
P.O. Box 2699
Las Cruces, NM 88004-2699
(575) 524-8812
bjy@mynattspringer.com
sew@mynattspringer.com
Attorneys for County Defendants

Approved without exceptions:

WALDO GUBERNICK LAW
ADVOCATES, LLP

Approved via email 4/3/2025

Curtis Waldo
Benjamin Gubernick
717 Texas St., Suite 1200
Houston, TX 77002
curtis@wglawllp.com
ben@wglawllp.com
(346) 277-0287
Attorneys for Plaintiff

SERPE ANDREWS, PLLC

Approved via email 4/1/2025

Cody R. Rogers
2540 El Paseo Road, Ste. D
Las Cruces, NM 88005
(713) 452-4400
crogers@serpeandrews.com
*Attorneys for Defendants Estrada, Jurado-
Garcia, and Vizcarra*

NEWELL LAW FIRM

Approved via email 4/3/2025

Michael Newell
10 W Adams Ave., Ste. E
Lovington, NM 88260
(575) 739-6395
mnewell@newelllawnm.com
Attorney for Defendant Porras